



A.No.295 of 2023
in C.S.(Comm.Div.) No.204 of 2022

ABDUL QUDDHOSE, J.

This application has been filed seeking for summary Judgment and Decree for the principal sum of Rs.73,23,560/- and the interest being a sum of Rs.27,15,034/- at the rate of 15% p.a., being calculated from the date of default in payment of the principal amount till 18.04.2022 and also for future interest till the date of realization.

2.The suit has been filed for recovery of a sum of Rs.1,00,38,594 (Rupees One Crore Thirty Eight Thousand Five Hundred Ninety Four only), which includes the principal sum of Rs.73,23,560/- and the interest of Rs.27,15,034/- calculated at the rate of 15% p.a., from the date of default till 18th April 2022 and for future interest from the date of plaint till the date of realization of the principal amount.

3.The defendant has filed the written statement in the suit. In the written statement they have stated that certain sums of money are still due and payable by the defendant to the plaintiff. In the counter affidavit filed in this application, a categorical admission has been made by the respondent/defendant in the last sentence of Paragraph No.8 that a sum of Rs.61,80,341/- is still due and payable by



the respondent/defendant to the plaintiff for the supplies effected by the plaintiff.

The extract of the same is reproduced hereunder:

8 Furthermore, it is relevant to mention that in spite of experiencing severe financial crises and loss in business due to COVID 19 Pandemic the Respondent Company have paid the outstanding between the period of 04.08.2020 to 05.12.2020 towards the principal amount due and the Applicant herein, has miserably failed to consider and acknowledge the same. Thus, this clearly depicts that we do not have any ill intention to delay or dodge from the payment of the actual due of Rs.6180341/- (Rupees Sixty One Lakhs Eighty Thousand Three Hundred and Forty One only) towards that Applicant.

4. Insofar as the remaining part of the suit claim is concerned, the respondent/defendant has disputed its liability to the applicant/plaintiff. No counter claim has also been filed by the respondent/defendant in this suit. While that be so, when there is a categorical admission on the part of the respondent/defendant that they owe a sum of Rs.61,80,341/- to the plaintiff in respect of the supplies effected by the plaintiff which is the subject matter of this suit, summary Judgment and Decree for a sum of Rs.61,80,341/- has to be passed by this Court in favour of the applicant/plaintiff. Though, the applicant/plaintiff has claimed a sum of Rs.73,23,560/- in this application by way of summary judgment, this Court restricts



the summary Judgment and Decree only to a sum of Rs.61,80,341/- in terms of the admission made by the respondent/defendant in the written statement as well as in the counter affidavit filed in this application.

5.For the foregoing reasons, summary Judgment and Decree is passed in favour of the applicant/plaintiff against the respondent/defendant for a sum of Rs.61,80,341/- and the respondent/defendant is directed to pay the said sum, within a period of six weeks from the date of receipt of a copy of this order.

6.In terms of the above direction, this application is disposed of.

15.11.2023

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